

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DARNELL WESLY MOON,

Plaintiff,
vs.

Case No. 3:15-cv-00274

SHERIFF FISCHER, *et al.*,

Defendants.

Magistrate Judge Michael J. Newman
(Consent Case)

ORDER: (1) DENYING *PRO SE* PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT (DOC. 26); AND (2) DIRECTING *PRO SE* PLAINTIFF TO SHOW CAUSE IN WRITING AND WITHIN 21 DAYS AS TO WHY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS SHOULD NOT BE GRANTED FOR THE REASONS STATED THEREIN

This civil case is before the Court on *pro se* Plaintiff's motion for leave to file a second amended complaint. Doc. 26. Defendants filed a memorandum in opposition to *pro se* Plaintiff's motion. Doc. 8. For the reasons set forth herein, *pro se* Plaintiff's motion is **DENIED WITHOUT PREJUDICE** to refile.

Notably, *pro se* Plaintiff filed his motion for leave in response to Defendants' pending motion for judgment on the pleadings (doc. 24), which *pro se* Plaintiff has not specifically opposed by filing a memorandum in opposition -- despite the fact that the Court specifically directed *pro se* Plaintiff to file a memorandum in opposition by May 24, 2016. *See* doc. 25. In addition to his failure to specifically oppose Defendants' motion for judgment on the pleadings, *pro se* Plaintiff, in his motion for leave to amend, fails to specify what he intends to amend in his pleading other than assert unknown claims against an additional unknown defendant. *See* doc. 26. Further, *pro se* Plaintiff does not attach his proposed amended pleading. *Id.*

Although Courts are directed to “freely give leave when justice so requires,” *see* Fed. R. Civ. P. 15(a)(2), *pro se* Plaintiff has failed to demonstrate that “justice so requires” in this circumstance given the pending motion for judgment on the pleadings and his failure to detail the proposed amendment(s) to his complaint. Accordingly, *pro se* Plaintiff’s motion for leave to amend (doc. 26) is **DENIED WITHOUT PREJUDICE** to refile.

In addition to the foregoing, *pro se* Plaintiff is **ORDERED TO SHOW CAUSE**, in writing and within 21 days from the entry of this Order, as to why judgment on the pleadings should not be granted for the reasons set forth in Defendants’ motion (doc. 24). The Show Cause requirement set forth herein will be satisfied by *pro se* Plaintiff’s filing of a memorandum in opposition to Defendants’ motion for judgment on the pleadings within 21 days from the date of this Order. Plaintiff is **ADVISED** that his failure to show good cause, in writing and within 21 days, may result in the dismissal of this case for failure to prosecute.

IT IS SO ORDERED.

Date: June 3, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge